

EXHIBIT I

DIANE SEIBERT

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DARCY M. BLACK,

Plaintiff,

-vs-

BUFFALO MEAT SERVICE, INC., doing business
as BOULEVARD BLACK ANGUS, also known as
BLACK ANGUS MEATS, also known as
BLACK ANGUS MEATS & SEAFOOD,
ROBERT SEIBERT,
DIANE SEIBERT,
KEEGAN ROBERTS,

Defendants.

Examination Before Trial of

DIANE SEIBERT, taken pursuant to the Federal Rules of Civil
Procedure, in the law offices of GRECO TRAPP, PLLC, 1700
Rand Building, 14 Lafayette Square, Buffalo, New York,
taken on January 4, 2018, commencing at 9:55 A.M., before
MARY ANN MORETTA, Notary Public.

1 Q. Do you have a policy otherwise, meaning not
2 written?

3 A. For discipline, yes.

4 Q. What is that policy?

5 A. I expect people to behave in a common sense
6 manner. I treat my employees like I would want
7 to be treated and I expect them, in return, to do
8 the same whether it's customers, other employees,
9 just a common sense procedure.

10 Q. Do you have any policies relative to progressive
11 discipline?

12 MR. OPPENHEIMER: Form.

13 BY MS. GRECO:

14 Q. Do you know what that means?

15 A. I know what progressive discipline is. Means
16 when you can be disciplined once, you can be
17 disciplined again. I have no policy.

18 Q. Do you have any training -- strike that. Have
19 you or anyone else given any training to
20 employees regarding discrimination, harassment,
21 retaliation or hostile environment?

22 MR. OPPENHEIMER: Form.

23 THE WITNESS: Have I given any training?

1 Black Angus Meat regarding the use of derogatory,
2 discriminatory terms?

3 A. You didn't do it.

4 Q. I'm going to ask you some questions about
5 specific words. I'm going to ask if you ever
6 heard them used in the workplace or you,
7 yourself, ever used them. Did you ever hear the
8 word nigger used at Black Angus Meat?

9 A. Absolutely not.

10 Q. Did you ever hear the word nigs?

11 A. No.

12 Q. And all of these are did you ever hear it used at
13 Black Angus Meat, meaning you or anyone else.

14 Did you ever hear the term Bob's nigs?

15 A. No.

16 Q. Did you ever hear the term spear chucker?

17 A. No.

18 Q. Did you ever hear the term boonie used?

19 A. No.

20 Q. Did you ever hear the term jungle bunny used?

21 A. No.

22 Q. Did you ever hear the term monkey used?

23 A. No.

1 A. Yes.

2 Q. Did you ever have any conversation with anyone
3 during the time Darcy Black was employed there
4 and told them that their conversation was
5 inappropriate in the workplace?

6 A. Did I?

7 Q. Did you.

8 A. No.

9 Q. Did you ever hear or learn that anyone referred
10 to Darcy's Black's children as niggers?

11 A. Absolutely not.

12 Q. Did anyone ever report to you that anyone
13 referred to Darcy's Black children's as niggers?

14 A. No.

15 Q. To your knowledge, did anyone ever report to
16 anyone in management that Darcy Black's children
17 were referred to as niggers?

18 A. The only reference to that is Darcy's note that
19 was left on my desk. No one ever heard it.

20 Q. Did Darcy ever tell anyone in management that an
21 employee referred to her children as niggers?

22 A. She did not tell me. I don't know. I don't
23 know. I'm not going to guess what she told

1 MR. OPPENHEIMER: Form.

2 BY MS. GRECO:

3 Q. You can answer.

4 A. Did I create the job titles?

5 Q. Yes.

6 A. I probably would have indicated where they
7 worked, if they worked on the counter, if they
8 work in the pack room, if they did cleanup, if
9 they -- you know, I'm not sure I did all of
10 these.

11 Q. Let's look at Darcy Black.

12 A. Okay.

13 Q. You state her job title was front counter.

14 MR. OPPENHEIMER: Form.

15 THE WITNESS: That's what she was hired for.

16 BY MS. GRECO:

17 Q. What was her job title?

18 A. We don't go by job titles there. That's why the
19 whole thing is very difficult because we don't
20 use job titles. We hire employees to do work, to
21 do labor. We are not specific when they are
22 hired. If I ask someone to -- if something is on
23 the floor or if the garbage is full, would you

1 mind taking the garbage out. It might not be
2 part of their job description, but I would expect
3 them to maybe pick up whatever is on the floor or
4 empty the trash or whatever that might be and it
5 may not be their job title.

6 Q. Is front counter different than a packer?

7 A. The front counter is in the front of the store.
8 We fill orders in the back of the store.

9 Q. In preparing or reviewing this document, did
10 anyone ask you to -- strike that. In reviewing
11 this document, you agree that Darcy's job title
12 was front counter?

13 MR. OPPENHEIMER: Form.

14 THE WITNESS: We didn't have job titles. I tried to
15 establish where they worked the most. Everybody
16 wants job titles. You guys want job titles and
17 everything. We didn't have job titles. Okay.
18 She was hired to work on the counter. A counter
19 person might get a customer that needs a pack
20 filled. They are going to have to go from the
21 front counter to the back to fill a pack, to fill
22 an order.

23 BY MS. GRECO: